FREDERICK COUNTY PUBLIC LIBRARIES

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Memorandum

TO: Internet Policy & Guidelines Training Attendees

FROM: Teresa Vorce

DATE: March 6, 2001

SUBJECT INTERNET POLICY & GUIDELINES TRAINING HANDOUTS

Attached are the handouts that we will be using in conjunction with the FCPL Internet Policy and Guidelines training session you are signed up for on March 16 from 9am to 1pm. Included are:

1. FCPL Internet Policy
2. FCPL Internet Guidelines (including Appendix 1: Review Process for Objections to Web Site Termination)
3. Annotated Code of Maryland, Section 23-506.1 of the Education Article.
4. Annotated Code of Maryland, Article 27, Section 419 and 419A
5. Frequently Asked Questions

It will facilitate our discussion if you are familiar with the handouts prior to the training session. Please read the information and bring the handouts with you to the training session. In addition, there is an informative article that evaluates filtering software in the March issue of *Consumer Reports.* It would be helpful to read this article before the training. Thanks!

Cc: D. Maminski

FREDERICK COUNTY PUBLIC LIBRARIES
INTERNET POLICY

Frederick County Public Libraries' mission states: 'We believe that a free and accessible Public Library is fundamental to a democratic society.' In our information rich, global community, the Internet provides an unprecedented, powerful tool to deliver information to vast numbers of people.

The Internet is an ungoverned and unregulated source of information. The library cannot control what others provide on the Internet. The library provides a choice to individual members of our community to access the Internet according to their personal values and beliefs.

Frederick County Public Libraries provides free access to the Internet and its resources for all library users. Library patrons are advised, as with all library materials, to exercise judgment and discrimination when evaluating the usefulness and reliability of material found on the Internet.

As with other library materials, restriction of minors' (children under 18) access to the Internet is the responsibility of parents/legal guardians. Parents/legal guardians are responsible for the Internet information selected or accessed by their children. Minors are not permitted to use library equipment to access materials that are obscene or constitute child pornography. Staff will actively intervene when they observe such behavior or it is brought to their attention.

Each FCPL library contains at least one computer in the children's area that uses commercially purchased software to block objectionable materials. Please be aware that no filtering software is 100% effective and the best filter is active parental participation.

Users are responsible for compliance with all copyright notices and restrictions attached to web content, all state and federal laws, and library rules of behavior.

Approved by the FCPL Board of Trustees on September 6, 2000

Frederick County Public Libraries

Internet Policy and Guidelines

December 2000

POLICY	GUIDELINES
FREDERICK COUNTY PUBLIC LIBRARIES' MISSION STATES : "WE BELIEVE THAT A FREE AND ACCESSIBLE PUBLIC LIBRARY IS FUNDAMENTAL TO A DEMOCRATIC SOCIETY." IN OUR INFORMATION RICH, GLOBAL COMMUNITY, THE INTERNET PROVIDES AN UNPRECEDENTED, POWERFUL TOOL TO DELIVER INFORMATION TO VAST NUMBERS OF PEOPLE.	FCPL, in providing Internet access in support of the library's mission, offers patrons the means to access a heretofore unimagined quantity of easily-accessible, and potentially life-enriching informational, educational, and recreational resources. It would be physically and financially impossible for FCPL to provide, in any other format, an equal amount of high-quality resources for the citizens of Frederick County.
THE INTERNET IS AN UNGOVERNED AND UNREGULATED SOURCE OF INFORMATION. THE LIBRARY CANNOT CONTROL WHAT OTHERS PROVIDE ON THE INTERNET.	In situations where patrons may express discomfort about the content of sites they may encounter while using the Internet, staff will handle the concerns in a professional manner. Staff will listen calmly and courteously to the patron's concerns. Staff will explain that FCPL is aware that the Internet is an ungoverned and unregulated source of information. While some patrons may be offended by material they find on the Internet, many patrons appreciate the freedom of access to all that is available from this source. Therefore, FCPL provides a choice of filtered and unfiltered terminals at all branches.
THE LIBRARY PROVIDES A CHOICE TO INDIVIDUAL MEMBERS OF OUR COMMUNITY TO ACCESS THE INTERNET ACCORDING TO THEIR PERSONAL VALUES AND BELIEFS.	Patrons may use terminals in any area of the library. FCPL staff will not impose their individual standards on patrons of any age who access this resource. Each branch has at least one terminal in the children's area loaded with filtering software. Should a patron specifically request a filtered or unfiltered terminal, staff will direct him/her to the appropriate computer.

POLICY	GUIDELINES
	In compliance with Maryland State law, and FCPL Policy, minors are not permitted to use library equipment to access materials that are obscene or constitute child pornography. Staff will actively intervene when they observe such behavior, or it is brought to their attention. In compliance with Maryland State Law, which prohibits computer dissemination of materials that constitute child pornography, adults are not permitted to use library equipment to obtain access to this material. (Note: It is not illegal for adults to view pornography.) Age verification may be requested of a patron whose minor status cannot be otherwise determined, and who is accessing material that is prohibited. A patron whose minor status cannot be otherwise determined, and who cannot provide age verification, will not be permitted access to obscene material.
FREDERICK COUNTY PUBLIC LIBRARIES PROVIDES FREE ACCESS TO THE INTERNET AND ITS RESOURCES FOR ALL LIBRARY USERS.	ACCESS Internet access computers are available at all branches of FCPL. FCPL's computer equipment, like all library resources, must be shared and used in a manner that respects the rights of others. Computer equipment and software must be used as installed. Any attempt to reconfigure the computers, load new software, run personal software or any action that disrupts the function of service is not allowed.

POLICY	GUIDELINES
	STAFF ASSISTANCE FCPL staff will assist patrons to utilize Internet access according to their needs. FCPL staff will assist novice users in getting started and will offer an introduction to searching the Web for information. Those desiring more in-depth instruction can make an appointment with a staff person for a time when more individual attention can be provided. In situations where patron queries may concern topics that cause staff discomfort, staff will handle all queries in a professional, non-judgmental manner. Staff will listen calmly and courteously to the query, proceed with the reference interview, and instruct the patron in the use of Internet tools. Patrons may also be referred to the print collection for additional Internet training sources. TIME LIMITS Internet terminals are available on a first-come, first-served basis to the extent possible. Posted time limits are based on usage levels. Branch Administrators set standards for changing time limits to meet local needs. Patrons should expect to limit their time accordingly, including printing. When a patron requests use of an occupied Internet computer, the patron using the terminal should yield the terminal promptly when their time is finished. If no one is waiting, a patron may continue using the Internet computer beyond the allotted time, until another patron requests its use.

POLICY	GUIDELINES
	PRINTING FCPL permits printing from the Internet, in accordance with the U.S. copyright law. As with all other printing done at FCPL, there is a charge to help defray the cost of paper and ink cartridges. A payment of $0.15 per page is to be made at the circulation desk. BOOKMARKING Because of the high volume of patron usage, FCPL does not allow bookmarking at Internet terminals. Until terminals can be configured to prevent bookmarking, staff will erase bookmarks from Internet access terminals on a regular basis. DOWNLOADING To prevent the introduction and spread of viruses in the FCPL network, downloading is not permitted. Staff should alert patrons who wish to download information from the Internet to other available options. These include printing the information, copying the URL to take to a computer where downloading is permitted, and mailing the information to an e-mail account. E-MAIL FCPL does not provide e-mail accounts, and cannot guarantee access to commercial accounts.

POLICY	GUIDELINES
	Internet computers are available on a first-come, first-served basis to the extent possible. Time limits are imposed based on usage levels. Patrons accessing their e-mail accounts should expect to limit their time accordingly, including printing. Information on e-mail accounts can be found in a variety of places such as in the yellow pages of the phone book and on the Internet. Free e-mail accounts are available on the Sailor Homepage CHAT ROOMS AND NEWS GROUPS Chat Rooms and News Groups can be accessed at the unfiltered terminals. Patrons accessing Chat Rooms and News Groups need to adhere to the time limits imposed. SECURITY The library does not promise or guarantee privacy to patrons using Internet resources. Patrons should expect that their library business will be free from interference or disruption by other patrons. Privacy screens are installed to prevent minors from viewing obscene or pornographic sites that are legal for adults to view. Privacy screens must remain on unfiltered computers. Library staff may temporarily remove privacy screens for individual adult patrons under special circumstances. If a privacy screen has been removed, it must be replaced immediately after the patron finishes using the computer. It is the responsibility of the staff member who removed the privacy screen to restore it as soon as the patron is finished.

POLICY	GUIDELINES
LIBRARY PATRONS ARE ADVISED, AS WITH ALL LIBRARY MATERIALS, TO EXERCISE JUDGMENT AND DISCRIMINATION WHEN EVALUATING THE USEFULNESS AND RELIABILITY OF MATERIAL FOUND ON THE INTERNET.	Due to the ease of posting on the Internet and the fact that it is an unregulated medium, patrons are advised to exercise judgment when accessing information. Staff will remind patrons that information on the Internet is unregulated and may be unreliable. Staff may refer patrons to Internet site evaluation guidelines.
AS WITH OTHER LIBRARY MATERIALS, RESTRICTION OF MINORS' ACCESS TO THE INTERNET IS THE RESPONSIBILITY OF PARENTS/LEGAL GUARDIANS. PARENTS/LEGAL GUARDIANS ARE RESPONSIBLE FOR THE INTERNET INFORMATION SELECTED OR ACCESSED BY THEIR CHILDREN.	FCPL Internet policy allows the user to individually determine whether to use Internet resources through filtered or unfiltered terminals. Patrons may use terminals in any area of the library. FCPL staff will not impose their individual standards on patrons of any age who access this resource. It is the responsibility of each parent or legal guardian to make monitoring decisions for their children only. Should a patron specifically request a filtered or unfiltered terminal, the staff will direct them to the appropriate computer. In compliance with Maryland State law and FCPL policy, minors are not permitted to use library equipment to access materials that are obscene or constitute child pornography. Staff will actively intervene when they observe such behavior, or it is brought to their attention. If a patron who is an unaccompanied minor is determined by the staff member who interacts with him/her to be too young to be able to understand the difference between the terms *filtered* and *unfiltered*, the patron should be directed to a filtered terminal, if one is available. Otherwise, staff should show the patron the locations of both types of access. Age verification may be requested of a patron whose minor status cannot be otherwise determined, and who is accessing material that is prohibited. The patron will be asked to show proof of age to assure the library's compliance with FCPL Internet Policy established in accordance with Maryland State Law.

POLICY	GUIDELINES
MINORS ARE NOT PERMITTED TO USE LIBRARY EQUIPMENT TO ACCESS MATERIALS THAT ARE OBSCENE OR CONSTITUTE CHILD PORNOGRAPHY. STAFF WILL ACTIVELY INTERVENE WHEN THEY OBSERVE SUCH BEHAVIOR OR IT IS BROUGHT TO THEIR ATTENTION.	When a Librarian, Library Associate, or Supervisor observes a patron who is a minor and who is accessing an Internet site that is displaying materials that are obscene or constitute child pornography, the staff member will inform the patron that this behavior is in violation of FCPL policy, which has been established in accordance with Maryland State law. Access to the site will be terminated by the patron, or by the staff member, if necessary. Should the situation or the patron become disruptive, staff will follow established procedures for handling problem situations, and will initiate sanctions as necessary. Occasionally, a patron may disagree with a staff member's decision to terminate a web site. In this event, a review of the decision must be made at the time of the objection. (See *Review Process for Objections to Web Site Termination*, Appendix #1) When any other staff member observes a patron who is a minor accessing obscene or child pornography materials, the staff person will immediately report the situation to the nearest Librarian, Library Associate, or Supervisor for action to be taken. Age verification may be requested of a patron whose minor status cannot be otherwise determined, and who is accessing prohibited material. A patron whose minor status cannot be otherwise determined, and who cannot provide age verification, will not be permitted access to the material. The staff person will maintain a calm, non-judgmental approach that seeks age verification without implied criticism of the patron's resource selection. If adult age verification is obtained, the staff member will express appreciation for the cooperation of the patron and remind the patron that the privacy screen must remain in place at all times. (Note: It is not illegal for adults to view pornography.)

POLICY	GUIDELINES
	Determination that site content is obscene or constitutes child pornography is based on judgment, knowledge, and experience, not on the personal bias of the staff person who is acting to enforce FCPL Internet Policy and Maryland State law on behalf of, and as approved by, the FCPL Board of Trustees.
EACH FCPL LIBRARY CONTAINS AT LEAST ONE COMPUTER IN THE CHILDREN'S AREA THAT USES COMMERCIALLY PURCHASED SOFTWARE TO BLOCK OBJECTIONABLE MATERIAL.	Filtering software is a screening tool intended to mirror expressed public opinion on the appropriateness of materials for viewing by minors. Filtered categories include many social issues (nudity, profanity, violence, pornography, etc.) and a broad age range (0-18 years). It may prevent access to information on topics (i.e. health-related, etc.) about which a parent/guardian may want his/her child to be informed.
PLEASE BE AWARE THAT NO FILTERING SOFTWARE IS 100% EFFECTIVE AND THE BEST FILTER IS ACTIVE PARENTAL PARTICIPATION.	Due to the ever-evolving nature of the Internet, with numerous new sites being added daily, even the ever-increasing sophistication of technology is not an assurance that filtering software will block every site that a parent/guardian might consider inappropriate viewing for his/her child. FCPL looks to parents/guardians to monitor and restrict their child's access to Internet resources, as with all other library resources, in accordance with their individual beliefs and values.
USERS ARE RESPONSIBLE FOR COMPLIANCE WITH ALL COPYRIGHT NOTICES AND RESTRICTIONS ATTACHED TO WEB CONTENT, ALL STATE AND FEDERAL LAWS, AND LIBRARY RULES OF BEHAVIOR	SANCTIONS Disruptive behavior and the use of any library workstation for illegal or criminal activity are not permitted. Violation of the Internet use policy may result in a loss of library Internet privileges. Patrons engaged in illegal acts involving library computing resources may also be subject to prosecution by local, state, or federal authorities. A patron who engages in disruptive behavior will be advised his/her behavior violates FCPL Rules of Conduct. Should s/he continue, the patron will be asked to leave the library.

Appendix 1

Review Process for Objections to Web Site Termination

Occasionally, a patron may disagree with a staff member's decision to terminate a web site because the staff member has determined the displayed content of the site to be obscene or to constitute child pornography. In this event, a review of the staff member's decision must be made at the time of the objection.

The staff member should immediately consult with staff in a position of higher authority, such as the Librarian in Charge or the Branch Administrator. In-charge branch staff who need assistance and have no superior on duty to consult should call the Central Library to consult with the Librarian in Charge or Central Library Administrator, or consult with a Branch Administrator. During the consultation period, the site in question remains inactive.

If after consultation the decision stands, and the patron remains dissatisfied with the decision, the staff member will inform that patron that the decision will be reviewed by library Administration. The patron should be given the option of putting his/her objection in writing on an SCC (Suggestions, Comments, & Concerns) form. The patron should be assured that the matter will be forwarded immediately to the Administration, and that a prompt review and written response will follow.

All objections, no matter at what level they are resolved, should be documented in detail and in writing as soon as the patron interaction is completed. If a decision is being referred for administrative review, provide the URL and any other pertinent information that will assist staff in identifying the site in question, and in contacting the patron for a reply (name, address, telephone number). Fax or deliver all reports ASAP to the Administrative Office (copy to Branch Administrator), noting on the envelope, in clear and legible writing, that this item requires immediate review by Administration. If you are referring a decision for review, clearly state this on the top of the report.

dm/1/01

Subtitle 5. Financing for County Public Libraries.

§ 23-506.1. Prevention of access by minors to obscene materials or child pornography.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Obscene" has the meaning provided in Article 27, § 419 of the Code.

(3) "Child pornography" has the meaning provided in Article 27, § 419A of the Code.

(b) *Policies and procedures.* — On or before January 1, 2001, each county or board of trustees of a county library shall:

(1) Adopt and implement policies and procedures to prevent minors from obtaining access through the library, by means of the Internet, the World Wide Web, Usenet, or any other interactive computer service to materials that are obscene or constitute child pornography; and

(2) Submit the policies and procedures required under this section to the State Superintendent for review.

(c) *Monitoring compliance.* — The State Superintendent or a designee of the State Superintendent shall regularly monitor the county libraries to determine whether each library is complying with the policies and procedures adopted for preventing a minor from obtaining Internet access to obscene materials through the library. (2000, ch. 9.)

Editor's note. — Section 2, ch. 9, Acts 2000, provides that the act shall take effect July 1, 2000.

Stated in Washington Free Community v. State's Att'y., 300 F. Supp. 487 (D. Md. 1969).
Cited in 400 E. Baltimore St., Inc. v. State, 49 Md. 147, 431 A.2d 682, cert. denied, 291 Md. 774 (1981), cert. denied, 455 U.S. 940, 102 S. Ct. 1431, 71 L. Ed. 2d 650 (1982); Klein v. State, 52 Md. App. 640, 452 A.2d 173 (1982), cert. denied, 295 Md. 440 (1983).

§ 418B. Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico and Worcester Counties.

(a) *Performance as violation.* — Any person who as actor, dancer, owner, manager, producer, director or agent or in any other capacity, prepares, gives, directs, presents, performs or participates in any obscene performance, exhibition, drama, play, show, dancing exhibition, tableau, or entertainment in which live persons perform or participate in an obscene manner in the presence of any other person or persons who have paid a consideration of any type whatsoever to observe the exhibition or performance shall be guilty of a misdemeanor and on conviction shall be fined or imprisoned according to the penalty set forth under § 424 of this article.

(b) *Permitting performance as violation.* — Every owner, lessee, or manager of any theatre, garden, building, room, place or structure, who knowingly permits the same to be used for the purpose of any such exhibition as enumerated in paragraph (a) of this section, or who assents to its use for any such purpose shall be guilty of a misdemeanor and on conviction shall be fined or imprisoned according to the penalty set forth under § 424 of this article.

(c) *Applicability to certain counties.* — This section applies only in Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester Counties. (1973, ch. 220; 1987, ch. 11, § 1; chs. 153, 195, 209; 1992, ch. 284; 1994, chs. 382, 529.)

§ 419. Sale or display of certain items to persons under 18.

(a) *Prohibited acts.* — (1) A person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to any person under the age of 18 years any still picture, photograph, book, pocket book, pamphlet, magazine, videodisc, videotape, film, computer disc, or recorded telephone messages the cover or content of which is principally made up of obscene descriptions or depictions of illicit sex, or which consists of obscene pictures of nude or partially denuded figures.

(2) A person may not willfully or knowingly display or exhibit to any person under the age of 18 years any still picture, photograph, book, pocket book, pamphlet, magazine, videodisc, videotape, film, computer disc, or recorded telephone messages the cover or content of which is principally made up of obscene descriptions or depictions of illicit sex, or which consists of obscene pictures of nude or partially denuded figures.

(3) The provision of services or facilities by a telephone company pursuant to tariffs approved by the Public Service Commission is not a violation of the provisions of paragraph (1) of this subsection that relate to recorded telephone messages.

(4) An owner, operator, franchisee, manager, or any employee with managerial responsibility of a newsstand or any other place of business may not openly and knowingly display at the newsstand or other place of business, if it is frequented by persons under the age of 18 years, any of the items whose sale, display, exhibition, showing, or advertising is prohibited by paragraph (1) of this subsection.

(5) Violation of this section is a misdemeanor.

(b) *Definitions.* — In this section the following words have the meanings indicated:

(1) "Descriptions or depictions of illicit sex" shall mean:

(i) Human genitals in a state of sexual stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse, or sodomy; or

(iii) Fondling or other erotic touching of human genitals.

(2) "Distributing" includes renting.

(3) "Nude or partially denuded figures" means:

(i) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or

(ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(4) "Obscene" means:

(i) That the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(ii) That the work depicts the sexual conduct specified in subsection (a) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and

(iii) That the work, taken as a whole, lacks serious literary, scientific, educational, artistic, or political value. (1967, ch. 394, § 1; 1981, ch. 725; 1982, ch. 242; 1984, ch. 590; 1986, ch. 851; 1987, ch. 430; 1988, ch. 6, § 1; 1995, ch. 133; 1996, ch. 10, § 1.)

Effect of amendments. — The 1995 amendment, effective Oct. 1, 1995, in (a) (1), inserted "displaying, exhibiting" and "film, computer disc"; inserted present (a) (2) and redesignated the remaining paragraphs accordingly; and inserted "display, exhibition" in present (a) (4).

The 1996 amendment, approved Apr. 9, 1996, and effective from date of enactment, substituted "videodisc, videotape" for "video disc, video tape" in (a) (1).

Applied in Hughes v. State, 14 Md. App. 497, 287 A.2d 299, cert. denied, 409 U.S. 1025, 93 S. Ct. 469, 34 L. Ed. 2d 317 (1972).

Cited in 400 E. Baltimore St., Inc. v. State, 49 Md. App. 147, 431 A.2d 682, cert. denied, 291 Md. 774 (1981), cert. denied, 455 U.S. 940, 102 S. Ct. 1431, 71 L. Ed. 2d 650 (1982).

§ 419A. Child pornography.

(a) *Minor defined.* — In this section "minor" means an individual under 18 years of age.

(b) *Obscene performance.* — Every person who solicits, causes, induces, or knowingly permits a minor to engage as a subject in the production of any obscene matter or any visual representation or performance that depicts a minor engaged as a subject in sexual conduct or sadomasochistic abuse as

defined in § 416A of this article is subject to the penalty provided in subsection (f) of this section.

(c) *Obscene photographs, films, or computer depictions.* — Every person who photographs, films, or by means of computer depicts or describes a minor engaging in an obscene act or engaging in sexual conduct or sadomasochistic abuse as defined in § 416A of this article is subject to the penalty provided in subsection (f) of this section.

(d) *Distribution of obscene material involving minors.* — Every person who knowingly promotes, distributes, or possesses with intent to distribute any matter or other visual representation or performance that depicts a minor engaged as a subject in sexual conduct or sadomasochistic abuse, as defined in § 416A of this article, is subject to the penalty provided in subsection (f) of this section.

(e) *Computer transmissions.* — Every person who, by means of computer, knowingly compiles, enters, transmits, makes, prints, publishes, reproduces, causes, allows, buys, sells, receives, exchanges, or disseminates any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging, facilitating, encouraging, offering, or soliciting unlawful sexual conduct or sadomasochistic abuse as defined in § 416A of this article of or with any minor is subject to the penalty provided in subsection (f) of this section.

(f) *Penalties.* — (1) Every person who violates the provisions of this section is guilty of a felony and upon conviction shall be fined not more than $25,000 or imprisoned for 10 years, or both in the discretion of the court.

(2) A person who is convicted of a subsequent violation of this section is subject to a fine not exceeding $50,000 or imprisonment not exceeding 20 years, or both in the discretion of the court.

(g) *Evidence regarding minor.* — (1) In any action brought under this section, where the minor's identity is unknown or where the minor is outside the jurisdiction, the State's Attorney is not required to identify or produce testimony from the minor who is depicted in the obscene matter or in any visual representation or performance that depicts the minor engaged as a subject in sexual conduct or sadomasochistic abuse as defined in § 416A of this article.

(2) The court or jury may determine whether an individual who is depicted in any obscene matter, or any visual representation or performance as the subject in sexual conduct or sadomasochistic abuse as defined in § 416A of this article, was a minor by observation of the matter depicting the individual, oral testimony by a witness to the production of the matter, expert medical testimony, or any other method authorized by an applicable provision of law or rule of evidence. (1978, chs. 573, 1016; 1985, ch. 494; 1986, ch. 5, § 1; ch. 112; 1989, ch. 398; 1996, ch. 443.)

Effect of amendments. — The 1996 amendment, effective Oct. 1, 1996, inserted "or sadomasochistic abuse" throughout the section; substituted "subsection (f)" for "subsection (e)" in (b), (c) and (d); substituted "§ 416A of this article is" for "§ 416A (d) of this article, is" in (b); substituted "photographs, films, or by means of computer depicts or describes" for "photographs or films" in (c); and inserted present (e) and redesignated the remaining subsections accordingly.

Bill review letter. — Chapter 443, Acts

FREDERICK COUNTY PUBLIC LIBRARIES
INTERNET POLICY FAQ'S
PART 1: PATRON FAQ'S

1. DO I NEED TO REGISTER?

Users are not required to register for Internet access. Internet terminals are available on a first-come, first-served basis.

2. HOW LONG CAN I STAY ONLINE?

Users are encouraged to monitor their own time and limit their Internet access to the designated time limits, including the time required for printing. Branch Administrators set standards for changing time limits to meet local needs. Patrons should expect to limit their time accordingly, including printing. We have a limited number of web access computers and their usage is high; our goal is to provide equal and fair access to library services and resources for all users.

3. CAN YOU TEACH ME HOW TO USE THE WEB?

FCPL's procedure for helping patrons to utilize Internet access is the same as the procedure for helping patrons access information from the print collection. The staff person, having completed the reference interview, gives the patron a brief introduction to the resource's use, assists the patron in getting started on the information search, and is available at the nearby reference area to answer further questions which may arise as the patron's search progresses. The staff person can also refer the novice user to training sources provided in our print and audiovisual collection. Patrons requiring more assistance should be encouraged to sign up for available training sessions, or to make an appointment when a staff person can spend a longer period of time assisting them.

4. MAY I DOWNLOAD?

The proliferation of computer viruses threatens the security of our electronic networks. In order to prevent the spread of viruses in the FCPL networks, or to the personal computers of library users, downloading from the Internet is not permitted. Users can print out the needed information, mail it to their e-mail addresses, or make note of the URL.

5. WHY IS THERE A CHARGE FOR PRINTING?

As with all other printing services in the library, there is a printing charge to defray the cost of paper and ink cartridges. The charge of 15 cents per sheet is displayed on each printer.

6. CAN I BOOKMARK A SITE I LIKE ON THIS COMPUTER?

Because of the high volume of patron usage, the use of bookmarking is not appropriate. Patrons may print out information, make note of the URL, or send the information to their e-mail account.

7. DO YOU OFFER E-MAIL ACCOUNTS? HOW MAY I OBTAIN AN E-MAIL ACCOUNT?

FCPL cannot maintain electronic mail accounts because it is not an Internet Service Provider. For home use, there are numerous sources that provide names of Internet Service Providers. We recommend checking the local telephone book for a listing of these providers. Free e-mail accounts are available and can be accessed from the Sailor Homepage.

8. CAN I E-MAIL MY FRIENDS FROM THE LIBRARY? CAN I READ MY E-MAIL FROM THE LIBRARY?

Patrons may access their web-based e-mail accounts at the library, but FCPL cannot guarantee that all e-mail accounts will function properly. Users will adhere to the designated time limits when using the computers for any reason.

9. CAN I ACCESS CHAT ROOMS AND NEWS GROUPS?

Chat Rooms and News Groups, due to their social nature, can be time consuming. Users will adhere to the designated time limits on computer use. Access to Chat Rooms and News Groups can sometimes lead to animated user behavior—to the point of rowdiness. Inappropriate user conduct is handled according to the normal procedure for dealing with disruptive behavior in the library.

10. I DON'T FEEL COMFORTABLE KNOWING THAT LIBRARY STAFF AND OTHER PATRONS CAN WATCH ME WORKING ON THE INTERNET; WHY ISN'T THERE MORE PRIVACY?

All unfiltered web access terminals are equipped with privacy screens. Staff and library users are expected to respect the privacy of those working on electronic access; however, privacy cannot be guaranteed for any patron using the Internet due to the proximity of other patrons and the security limitations of electronic files.

FREDERICK COUNTY PUBLIC LIBRARIES
INTERNET POLICY FAQ'S
PART 2: STAFF FAQ'S

1) WHAT DO I DO WHEN A PATRON ASKS ME TO HELP THEM FIND INFORMATION ON THE INTERNET ON "HOW TO MAKE A BOMB"; "HATE SITES"; "PORNOGRAPHY"; ETC.?

Many patron queries may cause the staff person to be uncomfortable (i.e. questions about AIDS, spousal abuse, suicide, etc.). The staff person will remain calm, professional, and helpful in these interactions. In situations where the patron information query concerns a topic that can cause the staff person concern about legality and possible societal repercussions, it is necessary that the staff person handle the query with a professional and non-judgmental attitude. Staff will utilize reference skills to determine the nature of the information need.

2) HOW DO I RESPOND WHEN A PATRON SAYS, "I NEED INFORMATION ON CHILD PORNOGRAPHY. CAN YOU HELP ME?"

As with any information request, the role of library staff is to determine the patron's true question, and then assist the patron in locating information. In this case, the patron may be searching for legal information on child pornography, such as causes, effects, societal responses, etc., and should be assisted. Should a patron request help to access material that constitutes child pornography, the patron will be informed that accessing this material puts the library in violation of Maryland law (MD Code, Art. 27, 419a), and is not permitted.

If a staff member observes any patron accessing material that constitutes child pornography, the staff member will take appropriate action to inform the patron to terminate the site, according to FCPL policy and procedure, which has been established in compliance with Maryland State law.

3) THE POLICY STATES THAT STAFF WILL ACTIVELY INTERVENE WHEN THEY OBSERVE A MINOR USING LIBRARY EQUIPMENT TO ACCESS MATERIALS THAT ARE OBSCENE OR CONSTITUTE CHILD PORNOGRAPHY. WHAT DOES "ACTIVELY INTERVENE" MEAN?

When a Librarian, Library Associate, or Supervisor observes a patron who is a minor and who is accessing an Internet site that is displaying materials that are obscene or constitute child pornography, the staff member will inform the patron that this behavior is in violation of FCPL policy, which has been established in accordance with Maryland State law. Access to the site will be terminated by the patron, or by the staff member, if necessary. Should the situation or the patron become disruptive, staff will follow established procedures for handling problem situations, and will initiate sanctions as necessary.

When any other staff member observes a patron who is a minor accessing obscene or child pornography materials, the staff person will immediately report the situation to the nearest Librarian, Library Associate, or Supervisor for action to be taken.

4) WHY DO WE FILTER CHILDREN'S INTERNET ACCESS AND OFFER UNFILTERED ACCESS TO ADULTS?

FCPL's mission states: "We believe that a free and accessible Public Library is fundamental to a democratic society." FCPL is providing the technology that enables the user to access unprecedented amounts and varieties of information resources. Since the Internet is an ungoverned and unregulated source of information, FCPL cannot control what others provide on the Internet. It is the adult's responsibility to exercise judgment and discrimination as to the usefulness and reliability of information found through this resource.

FCPL recognizes that the ability to make a critical analysis of information resources depends on the maturity of the child. Because children mature at different rates, it is the responsibility of the parent/guardian to determine his/her child's ability to evaluate information resources. However, according to FCPL policy, which has been established in compliance with Maryland State law, minors are not permitted to use library equipment to access materials that are obscene or constitute child pornography. Staff will actively intervene when they observe such behavior or it is brought to their attention.

FCPL further recognizes that each adult varies in his or her personal beliefs and values. Therefore, in order to provide both freedom of access and user choice, FCPL provides unfiltered access in the Adult/Young Adult areas of the library and filtered access in the Children's area. Patrons may use terminals in any area of the library. While FCPL does not monitor terminal use, the placement of the filtered access terminals in the Children's area is a statement of FCPL's awareness of the child's developing maturity and an offering of alternative user access to those desiring the advertised safeguards of filtering software.

5) HOW SAFE IS THE FILTERING SYSTEM? HOW DOES FILTERING SOFTWARE SELECT SITES TO BE BLOCKED?

No method guarantees 100% safety in filtered access. Cyber Patrol, the filtering software installed on terminals in the Children's areas of FCPL, uses a site blocking method of filtering. Cyber Patrol's list of blocked sites is updated weekly. Even with regular updates, lists of objectionable sites can never be complete. It is impossible to search all Internet sites for objectionable material, and new web sites are constantly appearing.

Each person's values and personal beliefs differ. What one user considers appropriate may be considered inappropriate by another user. Filtering software should be considered an aid, not a guarantee.

6) ARE FCPL STAFF ABLE TO DECIDE WHICH SITES ARE BLOCKED? WHAT ARE THE CRITERIA FOR BLOCKING?

The company that produces the filtering software decides which sites will be blocked using a set of viewable criteria for each category. Based on these criteria, the Internet sites and resources are categorized according to the level of possibly objectionable content. The categories include Partial Nudity; Nudity; Sexual acts/texts; Gross depictions; Intolerance; Satanic or Cult; Drugs and Drug Culture; Militant/Extremist; Violence/Profanity; Questionable/Illegal & Gambling; Sex Education; and Alcohol and Tobacco. Cyber Patrol advertises that a team of Internet professionals, parents, and teachers reviews the list of blocked sites. FCPL cannot view the list of blocked sites; however, sites can be recommended to Cyber Patrol for addition or deletion.

If a patron questions why a site is blocked or not blocked by Cyber Patrol, and the staff person's

response does not satisfy the patron, the question should be referred to Materials Management for review, following a parallel procedure to answering questions or challenges on other types of materials in FCPL's collection.

7) WHY DON'T WE USE PARENTAL PERMISSION CARDS TO MONITOR UNDER-AGE INTERNET ACCESS?

FCPL Internet policy allows the user (adult or child) to individually determine whether to utilize the Internet resource through filtered or unfiltered access terminals. FCPL policy also states that parents and legal guardians are responsible for determining and monitoring their children's access to the Internet. However, according to FCPL policy, which has been established in compliance with Maryland State law, minors are not permitted to use library equipment to access materials that are obscene or constitute child pornography. Staff will actively intervene when they observe such behavior or it is brought to their attention.

A parental permission card system would be impractical to enforce. Occasionally, a child may forget his/her library card and have no identification. Or, two students working on a joint project may need Internet access. One may have a parental permission form on file, while the other student does not have such a form. This could result in inconvenienced, frustrated patrons or potentially erroneous access.

8) IN A BRANCH SETTING WHERE THERE WILL BE ONE FILTERED TERMINAL IN THE CHILDREN'S AREA AND ONE UNFILTERED TERMINAL IN THE ADULT SECTION, WHAT HAPPENS IF EITHER TERMINAL IS TEMPORARILY DOWN?

There can be many variations to this type of situation. FCPL staff will use common sense and good judgment to evaluate each situation. The solutions will vary but the underlying procedure is to help the user find the information sought within the needed time frame without compromising expressed parental/guardian wishes.

For example, a child patron may try to access the filtered terminal in the children's area and find it temporarily out of service. He finds a staff person, explains that his parents instructed him to use the filtered terminal and he needs to complete an Internet assignment today. The staff person should determine the exact nature of the information request and proceed as with any other question using the most appropriate resources. Possible solutions include: obtain verbal permission from a parent to proceed on an unfiltered terminal, provide a "Dear Teacher" slip for the student, or carry out the search for the student if time allows.

FCPL staff should always encourage adherence to the parent/guardian's expressed wishes regarding Internet access instructions.

9) DOES FCPL STAFF HAVE THE RESPONSIBILITY TO MOVE A YOUNG PERSON ACCESSING THE UNFILTERED TERMINAL TO A FILTERED TERMINAL?

FCPL does not monitor the age of users at Internet access terminals. Patrons will not be questioned regarding their right to access either a filtered or unfiltered terminal. The responsibility for the child's choice of Internet access lies with the parent/guardian. FCPL staff will assume that if the parent/guardian feels comfortable leaving the child unattended in the library, then the parent/guardian feels equally comfortable with the child's selection of information resources, whether in print form or through Internet access.

10) AT WHAT AGE DOES A YOUNG PERSON MOVE FROM USING THE FILTERED ACCESS TERMINAL IN THE CHILDREN'S SECTION TO USING THE UNFILTERED ACCESS IN THE ADULT SECTION?

Use of a filtered or unfiltered terminal is a determination made by the parent/guardian monitoring the child's maturity in using Internet access; it is a determination that only the parent/guardian can make for his/her own child. An unattended child will be considered to be following the guidelines set forth by the parent/guardian. Should the child specifically request either the filtered or unfiltered access, the staff person will direct the user to the appropriate terminal. However, FCPL staff does not suggest to a parent/guardian, or to the child, the "appropriate" age to move from filtered access to unfiltered access terminals. When using the Internet to answer a young person's query, staff will use the nearest available computer (unless a filtered or unfiltered computer is specifically requested) so that the staff person is available to assist the young person if they have further questions during the search process.

11) DO WE AUTOMATICALLY DIRECT UNACCOMPANIED MINORS TO AN UNFILTERED TERMINAL?

If an unaccompanied minor is determined by the staff member to be too young to understand the difference between the terms filtered and unfiltered, the young patron should be directed to a filtered terminal. Otherwise, staff should direct young patrons to either filtered or unfiltered access. When parents/legal guardians accompany minors, it is their responsibility to monitor information accessed by their children.

12) HOW DO I RESPOND TO A PATRON'S CONCERN THAT HIS/HER CHILD NOT ACCESS AN INAPPROPRIATE SITE ON THE ADULT ACCESS TERMINAL WHEN HE/SHE IS IN THE LIBRARY DURING AFTER-SCHOOL HOURS WAITING TO BE PICKED UP?

As with other library materials, parents/guardians are responsible for determining and monitoring the Internet information selected or accessed by their children.

It is the duty, right, and responsibility of each person to make these decisions for their child only. Therefore, it would be inappropriate for FCPL staff to monitor Internet access or impose their individual standards on children who routinely access this resource. However, according to FCPL policy, which has been established in compliance with Maryland State law, minors are not permitted to use library equipment to access materials that are obscene or constitute child pornography. Staff will actively intervene when they observe such behavior or it is brought to their attention.

13) WHAT IF I FORCE A PATRON OFF A SITE, ONLY TO FIND OUT LATER THAT THE SITE WAS LEGITIMATE?

Every day, FCPL staff members are called upon to apply library policy and procedure in a wide variety of situations, using common sense and judgment. Implementing this new law and FCPL Internet policy is no exception. Maryland State law requires public libraries to prevent minors from accessing obscenity and child pornography via library computers. Staff members are the primary active intervention means in our libraries for compliance with the law. Staff is trusted to make informed decisions, based on a thorough understanding of FCPL policy, which was established in compliance with Maryland State law. In "gray areas," staff is advised to err on the side of caution when dealing with minors. If you make a mistake, talk it over later with your supervisor, and learn from it.

*If you have asked a patron to exit a site, employ reference behaviors, if appropriate. "May I help you locate any other information?" Your experience puts you in a position to judge if you can offer further assistance in finding the information the patron seeks.

*If a patron challenges your request to exit a site because they claim they are doing legitimate research, immediately consult with the LIC or higher-level manager. Follow the *Review Process for Objections to Website Termination*. (See Appendix 1 to Guidelines)

*If a patron refuses to exit a site and becomes belligerent, unruly, or threatening, apply normal procedures for handling problem situations.

14) IF A MINOR ACCESSES CHILD PORNOGRAPHY ON A LIBRARY COMPUTER, CAN THE STAFF PERSON ON DUTY BE HELD LIABLE?

No. It is the responsibility, however, of every staff person to take appropriate action (as described in the guidelines) to enforce FCPL's Internet Policy. A staff person who fails to act may be subject to disciplinary action.

15) HOW CAN I DETERMINE THAT A PATRON WHO IS ACCESSING MATERIALS THAT ARE OBSCENE OR CONSTITUTE CHILD PORNOGRAPHY IS A MINOR?

Under Maryland law, patrons of any age should be restricted from accessing material that constitutes child pornography. When the age of a patron accessing obscene material on the Internet is <u>not clearly discernible</u>, a staff member should request age verification. If a patron is unable to produce age verification, the staff member should inform the patron that the observed behavior is in violation of FCPL policy, which has been established in accordance with Maryland State law, and that access to the site must be terminated. If adult age verification is obtained, the staff member will express appreciation at the cooperation of the patron and remind the patron that the privacy screen must remain in place at all times.

16) HOW DO I DETERMINE THAT CONTENT DISPLAYED ON A SITE IS OBSCENE?

"Speech that is legally defined as obscene is unprotected speech. A problem arises because the word is used frequently to describe legal speech; further, such vague words as indecent and offensive are used and have no standard legal definition. Pornography is more specific; it describes materials depicting erotic or sexually explicit behavior, some of which may be constitutionally protected. Obscene, in short, is the legal term used to draw the line between protected and unprotected speech." (p. 40, *Libraries, Access, and Intellectual Freedom*, 1999)

According to the definition in Maryland law, obscene means:

(a) That the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
(b) That the work depicts the sexual conduct specified in subsection (a) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and
(c) That the work, taken as a whole, lacks serious literary, scientific, educational, artistic, or political value. (MD Code, Art. 27, 419)

Seems pretty clear, doesn't it? Of course not! A staff member's most effective tools are knowledge of Maryland law and FCPL policy and procedure, and their own good judgment, common sense, and experience. If the site is clearly in violation of Maryland law and/or FCPL

policy, staff must take immediate action to intervene, according to library procedure. Evaluation of a site will include a number of factors, such as the authority and content of the site. For example, an established medical site displaying nudity differs greatly from many other sites. Another factor is to consider the site against Maryland's three-part "obscenity test." If the specific situation allows for time to consult, staff should immediately seek out a supervisor for assistance.